



LAC-2015-01

April 9, 2015

MEMORANDUM FOR REGIONAL COMMISSIONERS, PBS
REGIONAL LEASING DIRECTORS
REGIONAL LEASING SERVICES OFFICERS

FROM: JAMES C. WISNER
ASSISTANT COMMISSIONER FOR OFFICE OF LEASING - PR

SUBJECT: Revisions to Leasing Forms and Templates

A handwritten signature in black ink, appearing to be "J. Wisner", is located to the right of the "FROM:" and "SUBJECT:" lines.

1. Purpose. This Lease Acquisition Circular (LAC) issues new and revised leasing forms and templates as follows:

- a. Revised GSA Forms 3516, Solicitation Provisions (Acquisition of Leasehold Interests in Real Property) and 3516A (For Simplified Acquisition of Leasehold Interests in Real Property). The 04/15 versions of these forms reflect changes as follows:
 - i. Corrects the language under "Parties to Execute Lease" to address partnerships.
 - ii. Removes FAR 52.233-2, Service of Protest, from GSA Form 3516A.
- b. New GSA Form 3518-SAM, Addendum to System for Award Management (SAM) Representations and Certifications (Acquisitions of Leasehold Interests in Real Property). This form replaces prior versions of GSA Forms 3518 and 3518A for all lease transactions except for disaster leases. This new GSA Form 3518-SAM shall also apply for all new Automated Advanced Acquisition Program (AAP) RLPs issued on or after October 1, 2015. GSA Form 3518-SAM incorporates by reference all of the applicable representations and certifications that are input by offerors through the SAM application, and it contains a mandatory representation (GSAR 552.203-72) not currently available in the SAM application.
- c. Revised GSA Forms 3518 (Representations and Certifications) and 3518A (Representations and Certifications for Leases At or Below the Simplified Lease Acquisition Threshold). These revised GSA Forms 3518 and 3518A

are only to be used for disaster leases. For all other lease actions, use the new GSA Form 3518-SAM. Revisions made to the GSA Forms 3518 and 3518A for disaster leases include:

- i. Removed all instances of XX's, ##'s, etc. within the forms.
 - ii. Heading updated to reference RLP instead of Solicitation number.
 - iii. FAR 52.219-1, SMALL BUSINESS PROGRAM REPRESENTATIONS (OCT 2014): NAICS code and FAR clause updated.
 - iv. GSAR 552.203-72, REPRESENTATION BY CORPORATIONS REGARDING UNPAID DELINQUENT FEDERAL TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW (DEVIATION) (OCT 2013): Updated citations.
 - v. FAR 52.204-6, DATA UNIVERSAL NUMBERING SYSTEM NUMBER (JUL 2013): FAR clause updated.
 - vi. SYSTEM FOR AWARD MANAGEMENT (APR 2015): Replaced CENTRAL CONTRACTOR REGISTRATION (MAY 2012).
 - vii. FAR 52.222-38, COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS (SEP 2010): FAR clause added (does not apply to SLAT leases).
 - viii. FAR 52.225-20, PROHIBITION ON CONDUCTING RESTRICTED BUSINESS OPERATIONS IN SUDAN—CERTIFICATION (AUG 2009): FAR clause added.
 - ix. FAR 52.225-25, PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGING IN CERTAIN ACTIVITIES OR TRANSACTIONS RELATING TO IRAN—REPRESENTATION AND CERTIFICATIONS (DEC 2012): FAR clause added.
- d. New GSA Form 3517D, General Clauses for Disaster (D) Leases only. This form, to be used for disaster or emergency leases, incorporates Alternate I language to General Clause 52.204-7 System for Award Management, thereby requiring Lessors to be registered in SAM within 30 days after award or before three days prior to submission of the first invoice, whichever occurs first. It also includes General Clause 52.232-34 Payment by Electronic Funds Transfer - Other than System for Award Management, which requires the Lessor to provide specific information to allow for payment by Electronic Funds Transfer (EFT), thereby covering the 30 day time period until the Lessor is registered in SAM. Note that LCOs must obtain EFT information pursuant to the lease requirements and provide this information to FEMA within 5 business days of lease award.

- e. Revised GSA Form 3517B, General Clauses, and the Simplified Lease Form L201A. The 04/15 versions of GSA Form 3517B and L201A reflect changes as follows:
- i. MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT (APR 2015). Changed acronym "LCO" to "Lease Contracting Officer (LCO)."
 - ii. ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY (APR 2015): Changed to be consistent with Lease language.
 - iii. FAR 52.204-7, SYSTEM FOR AWARD MANAGEMENT (JUL 2013): FAR clause updated.
 - iv. FAR 52.204-13, SYSTEM FOR AWARD MANAGEMENT MAINTENANCE (JUL 2013): FAR clause added.
 - v. FAR 52.232.33, PAYMENT BY ELECTRONIC FUNDS TRANSFER – SYSTEM FOR AWARD MANAGEMENT (JUL 2013): FAR clause updated.
 - vi. FAR 52.203-7, ANTI-KICKBACK PROCEDURES (MAY 2014): FAR clause updated (does not apply to Form L201A).
 - vii. FAR 52.219-28, POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013): FAR clause updated.
 - viii. FAR 52.222-35, EQUAL OPPORTUNITY FOR VETERANS (JUL 2014): FAR clause updated.
 - ix. FAR 52.222-36, AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUL 2014): FAR clause updated.
 - x. FAR 52.222-37, EMPLOYMENT REPORTS VETERANS (JUL 2014): FAR clause updated.
 - xi. FAR 52.209-6, PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (AUG 2013): FAR clause updated.
 - xii. FAR 52.219-8, UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2014): FAR clause updated (does not apply to Form L201A).
 - xiii. FAR 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (OCT 2014) ALTERNATE III (OCT 2014): FAR clause updated.
 - xiv. FAR 52.204-10, REPORTING EXECUTIVE COMPENSATION AND

FIRST TIER SUBCONTRACT AWARDS (JUL 2013): FAR clause updated.

- f. Updated language to RLP and lease templates for all models:
 - i. Replaces references to GSA Form 3518 and 3518A with GSA Form 3518-SAM, Addendum to System for Award Management (SAM) Representations and Certifications (Acquisitions of Leasehold Interests in Real Property) except for:
 - 1. disaster leases, and
 - 2. AAAP RLP and lease templates issued prior to October 1, 2015. GSA Form 3518-SAM will be used for all AAAP procurements where the RLP is issued on or after October 1, 2015.
 - ii. Deletes references to CCR
 - iii. Revises Simplified Lease paragraph "Clauses Incorporated by Reference (Simplified)" to reflect updates to General Clauses.

2. Effective Date. This LAC and attachments are effective immediately for all RLP packages issued on or after the signature date. RLP packages issued prior to this date may be modified at the discretion of the Lease Contracting officer (LCO).

3. Applicability. This LAC and its attachments are mandatory and apply to all General Services Administration (GSA) real property leasing activities and to activities delegated by GSA to other Federal agencies.

4. Cancellation. The following are canceled:

- a. PQ-2005-07, Central Contractor Registration.
- b. RSL-2006-06, Central Contractor Registration and Electronic Funds Transfer for Lease Payments – Supplemental Guidance.
- c. LAC 2012-02, Attachments 12 and 13, Solicitation Provisions, GSA Form 3516 and 3516A, revised 6/12 and Attachments 15 and 16, Representations and Certifications, GSA Form 3518 and GSA Form 3518A revised 6/12.
- d. LAC 2013-01, Revision to Simplified Lease Form (L201A) and General Clauses (GSA Form 3517B) in its entirety.
- e. LAC 2013-03, Revisions to RLP and Lease Templates in its entirety.

5. Instructions and Procedures. Instructions and procedures on the use of the SAM representations and certifications and the GSA Form 3518-SAM are provided in Attachment 1. The following is a summary of Attachments to this LAC:

- a. Attachment 1 - Instructions for Implementation of the System for Award Management (SAM) Representations and Certifications and GSA Form 3518-SAM
- b. Attachment 2 – GSA Form 3518-SAM, Addendum to System for Award Management (SAM) Representations and Certifications (Acquisitions of Leasehold Interests in Real Property), dated 04/2015
- c. Attachment 3 – GSA Form 3518, Representations and Certifications (rev 04/15) (only to be used for disaster leases)
- d. Attachment 4 – GSA Form 3518A, Representations and Certifications for Lease Transactions At or Below the Simplified Lease Acquisition Threshold (rev 04/15) (only to be used for disaster leases)
- e. Attachment 5 – GSA Form 3517B, General Clauses (rev 04/15)
- f. Attachment 6 – GSA Form 3517D, General Clauses for Disaster and Emergency Leases Only, dated 04/15
- g. Attachment 7 – GSA Form 3516, Solicitation Provisions (Acquisition of Leasehold Interests in Real Property) (rev 04/15)
- h. Attachment 8 – GSA Form 3516A, Solicitation Provisions (For Simplified Acquisition of Leasehold Interests in Real Property) (rev 04/15)

**INSTRUCTIONS FOR IMPLEMENTATION OF THE SYSTEM FOR AWARD
MANAGEMENT (SAM) REPRESENTATIONS AND CERTIFICATIONS AND GSA
FORM 3518-SAM**

1. Background.

- a. In July 2012, the Central Contractor Registration (CCR) transitioned to the System for Award Management (SAM). SAM combined the federal procurement systems into one new system, including the Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA).
- b. All vendors (contractors) and offerors must register in SAM to be eligible for award of contracts with the Federal government. In addition, all vendors and offerors must recertify every year thereafter.
- c. As part of the SAM registration process, contractors and offerors must fully complete the representations and certifications module in SAM.
- d. SAM includes representations and certifications that apply to all contracting, including leasing. Therefore, the Office of Leasing is replacing GSA Forms 3518 and 3518A with a new GSA Form 3518-SAM that incorporates by reference all applicable SAM representations and certifications as part of the RLP package. GSA Form 3518-SAM also includes GSAR **552.203-72** "Representation by Corporations Regarding an Unpaid Delinquent Federal Tax Liability or a Felony Conviction under any Federal Law (DEVIATION) (OCT 2013)," which is currently unavailable in the SAM system but is still required.

2. Pre-award Procedure for New, New/replacing, Succeeding, and Superseding Leases.

- a. Leasing Specialists shall include GSA Form 3518-SAM as part of the RLP package and obtain this signed, completed form as part of the offer submission.
- b. Leasing Specialists must review the completed GSA Form 3518-SAM, along with the representations and certifications made by offerors in the SAM application, and document this review in the lease file. Leasing Specialists are reminded to pay particular attention to the small business representation to confirm whether there is a need for a small business subcontracting plan.
- c. The Leasing Specialist must include the completed GSA Form 3518-SAM as part of the executed lease contract.

- d. Disaster and emergency leases will continue to include the GSA Form 3518 or 3518A as part of the lease.
- e. Leases acquired using the AAAP will continue to use the GSA Form 3518 (10/2014) until system upgrades to the AAAP application can be completed to only require the 3518-SAM.

3. Existing Leases.

- a. Use of the GSA Form 3518-SAM is not required for changes in term, rent, or square footage, including extensions and renewal options.
- b. Change in Ownership, Lessor Name, or Payee (if different).
 - i. Whenever there is a change in ownership, a change in the Lessor's name, a change in payee (if different), or whenever the Lessor must comply with FAR 42.12, "Novation and Change of Name Agreements," the Representations and Certifications in SAM must be updated by the new entity. The individual processing the change will verify that the change in ownership or the Lessor's name, or payee (if different) is registered in SAM and document the lease file accordingly.
 - ii. The new entity must also execute GSA Form 3518-SAM, to be included as part of the Lease Amendment memorializing the change.

COVER PAGE FOR ATTACHMENTS 2 THROUGH 8